IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

_____

MARIO JIMINEZ, #244 571	*	
Petitioner,	*	
v.	*	3:07-CV-187-MEF
		(WO)
HARVEY GRIMMER, WARDEN, *et al.*,	*	
Respondents.	*	

_____

RECOMMENDATION OF THE MAGISTRATE JUDGE

Petitioner filed this application for habeas relief on February 2, 2007. On April 9, 2007 he filed a Motion to Dismiss his petition without prejudice so that he may exhaust his state remedies. (Doc. No. 11.) Upon review of the file in this case, the court concludes that Petitioner's motion to dismiss is due to be granted.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that Petitioner's motion to dismiss be granted and that this case be DISMISSED without prejudice.

It is further

ORDERED that the parties are DIRECTED to file any objections to the Recommendation on or before **April 23, 2007**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which a party objects. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore,

it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (*en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done, this 11th day of April 2007.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE